

## **REMARKS**

### ***Remaining Claims***

Sixteen (16) claims (Claims 1 - 16) remain pending in this application through this Amendment. Claims 3, 5, 7, 9, 14 and 16 have been amended by the amendment filed herewith. Pages 6 and 7 of the specification have been amended. No new matter has been added. As explained in more detail below, the Applicants submit that all claims are in condition for allowance and respectfully request such action.

### ***Oath/Declaration***

The Examiner states that the oath is defective because non-initialed and/or non-dated alterations were made to the oath. A new oath which has been executed by the inventors is being submitted herewith.

### ***Specification***

The Examiner has objected to the disclosure under 35 U.S.C. §112, first paragraph, on grounds that some of the description of Fig. 5 in the specification is inconsistent with what is shown in Fig. 5. Pages 6 and 7 of the specification have been amended to ensure that the specification is completely consistent with Fig. 5. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

### ***Drawings***

The Examiner has objected to the drawings on grounds that the specification mentions block 55, which is not shown in Fig. 5. The amendment to the specification obviates this objection.

***Rejection of Claims 5 and 16 due to informalities***

The Examiner has objected to claims 5 and 16 because of certain informalities. The informalities noted by the Examiner have been corrected.

***Rejection of Claims 7-12 under 35 USC §112, first paragraph***

Claims 7-12 stand rejected under 35 USC §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, the Examiner states that the specification is not enabling for read address incrementer logic incrementing a read address each time data is written to an address in the FIFO. The Applicants apologize for the oversight. Independent claims 7 and 9 have been amended to recite read address logic incrementing a read address each time data is read from an address in the FIFO. Accordingly, the Applicants respectfully submit that this rejection has been overcome and respectfully request that it be withdrawn.

***Rejection of Claims 7-12 under 35 USC §101***

Claims 7-12 stand rejected under 35 USC §101, first paragraph, on grounds that the claimed invention is not supported by either a specific asserted utility or a well established utility.

Specifically, the Examiner states that "the art related to FIFO does not support a read address incrementer logic incrementing the read address each time data is written to an address in the FIFO." The Applicants respectfully submit that this rejection has been overcome for the same reasons as described above with reference to the Examiner's rejection under 35 U.S.C. §112, first paragraph.

***Rejection of Claims 3-5 under 35 USC §112, second paragraph***

Claims 3-5 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Specifically, the Examiner states that there is insufficient antecedent basis in claim 3 for the phrases "the number of times" and "the sequence". Claim 3 has been amended to ensure that no antecedent basis problems exist. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

***Rejection of Claims 1-16 under 35 USC §102(e) - Bentz***


Claims 1-16 are rejected under 35 USC §102(e) as being anticipated by Bentz (PN US 2003/0034797 A1). An affidavit under 37 CFR §1.131 is being submitted herewith to swear behind the effective filing date of the Bentz reference. Also attached are an invention disclosure document, which proves that the present invention was conceived prior to the effective filing date of the Bentz reference, and a Statement Establishing Diligence, which proves that the Applicants exercised due diligence from a time prior to the effective filing date of the Bentz reference to the filing of the present application.

The present application and the Bentz reference do not claim the same invention. Therefore, swearing back of the Bentz reference to overcome the rejection under 35 U.S.C. §102(e) is appropriate. (See MPEP 715). In view of the earlier conception of the present invention, coupled with due diligence from a time prior to the effective filing date of the Bentz reference to the filing of the present application, the Applicants respectfully submit that this rejection has been overcome and request that it be withdrawn.

**CONCLUSION**

For the reasons set forth above, it is respectfully submitted that all pending claims are now in condition for allowance, and the Applicants request that a Notice of Allowance be issued in this case. Should there be any further questions or concerns, the Examiner is urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,  
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